



RECEIVED  
JAN 21 2011  
DEQ SWRO

*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

SOUTHWEST REGIONAL OFFICE  
355-A Deadmore Street, Abingdon, Virginia 24210  
(276) 676-4800 FAX (276) 676-4899

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director  
(804) 698-4000

Jeffrey Hurst  
Regional Director

**STATE WATER CONTROL BOARD  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
GLASS MACHINERY AND EXCAVATION, INC.  
FOR THE  
Wadlow Gap Disposal Site  
2042 Wadlow Gap Highway, Gate City, VA  
Unpermitted Site**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, between the State Water Control Board and Glass Machinery and Excavation, Inc., regarding property located at 2042 Wadlow Gap Highway, Gate City, Virginia, for the purpose of resolving certain violations of the State Water Control Law and the applicable regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.

2. "2014 Permit" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law, the VSMP Regulations, and the General Permit Regulation on July 1, 2014 and which expired on June 30, 2019.
3. "2019 Permit" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law, the VSMP Regulations, and the General Permit Regulation on July 1, 2019 and which expires on June 30, 2024.
4. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
5. "Construction activity" means any clearing, grading or excavation resulting in land disturbance of equal to or greater than one acre, or disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre.
6. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
7. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
8. "Discharge" means the discharge of a pollutant.
9. "Discharge of a pollutant" means:
  - a. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
  - b. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
10. "Facility" or "Site" means the Wadlow Gap Disposal Site, located at 2042 Wadlow Gap Highway, Gate City, Virginia, from which discharges of stormwater associated with construction activity occur.
11. "General Permit Regulation" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9 VAC 25-880-1 et seq.
12. "Glass Machinery" means Glass Machinery and Excavation, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Glass Machinery and Excavation, Inc. is a "person" within the meaning of Va. Code § 62.1-44.3.

13. "Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in Va. Code § 62.1-44.15:34.
14. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
15. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
16. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. . . ." 9 VAC 25-870-10.
17. "Pollution" means "such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are 'pollution.'" Va. Code § 62.1-44.3.
18. "Registration Statement" means a registration statement for coverage under the 2014 Permit.
19. "Runoff volume" means the volume of water that runs off the site from a prescribed design storm. 9 VAC 25-870-10.
20. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Va. Code.
21. "State Waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.

22. "Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage. Va. Code § 62.1-44.15:24.
23. "Stormwater management plan" means a document or series of documents containing material describing methods for complying with the requirements of a VSMP or the VSMP Regulations. 9 VAC 25-870-10.
24. "SWPPP" means Stormwater Pollution Prevention Plan, which is a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under a VSMP for construction activities shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan. 9 VAC 25-870-10.
25. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
26. "Virginia Stormwater Management Act" means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Va. Code.
27. "Va. Code" means the Code of Virginia (1950), as amended.
28. "VAC" means the Virginia Administrative Code.
29. "VPDES" means Virginia Pollutant Discharge Elimination System.
30. "VSMP" means the Virginia Stormwater Management Program, which is a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations. Va. Code § 62.1-44.15:24.
31. "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a VSMP or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or for linear projects subject annual standards and specifications in accordance with subsection B of § 62.1-44.15-31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102. Va. Code § 62.1-44.15:24.

32. "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of State Permit coverage has been provided where applicable. Va. Code § 62.1-44.15:24.
33. "VSMP Regulations" means the Virginia Stormwater Management Program (VSMP) Regulations, 9 VAC 25-870-10 et seq.
34. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. Glass Machinery operates the Wadlow Gap Disposal Site, located at 2042 Wadlow Gap Highway, Gate City, in Scott County, Virginia, from which stormwater associated with construction activity is discharged.
2. DEQ is the VSMP authority for the Site.
3. Henderson Branch is a surface water located wholly within the Commonwealth and is a "state water" under the State Water Control Law.
4. Henderson Branch is located in the Tennessee/Big Sandy River Basin, Holston River Subbasin, Section 1, Class IV, Special Standards: none. Henderson Branch confluences with the North Fork Holston River. Henderson Branch has not been assessed, but is included in the "TMDL Development for North Fork Holston River Watershed", which was approved by EPA on September 24, 2012 and by the State Water Control Board on March 25, 2013. The impairment is due to bacteria, with the causes noted as failing septic systems and livestock.
5. During inspections on April 29, 2019 and June 12, 2019, DEQ staff observed that land-disturbing activities greater than one acre had occurred at the Site in an area subject to stormwater runoff. Glass Machinery had not registered for coverage under the 2014 General VPDES Permit for Discharges of Stormwater from Construction Activities, and no other certificate or permit had been issued for the discharge of stormwater from construction activities at the Site. Glass Machinery applied for coverage under the 2014 Permit. DEQ received the application package on June 5, 2019. However, the application package was not reflective of actual Site conditions observed by DEQ staff during the June 12, 2019 inspection. The proposed limits of disturbance included in the stormwater management plan submitted had already been exceeded. Neither did the plan include future land disturbing activities as indicated by Glass Machinery personnel during the June 12, 2019 inspection. The application package was thus not approvable as submitted. Glass Machinery has not obtained VSMP authority approval to begin land disturbance.

Va. Code § 62.1-44.15:34(A) states: “A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, and, after July 1, 2014, a stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSMP authority approval to begin land disturbance.”

Regulation 9 VAC 25-870-310(A) states: “Except in compliance with a state permit issued by the board pursuant to the Virginia Stormwater Management Act, it shall be unlawful for any person to discharge stormwater into state waters from . . . land-disturbing activities.”

Va. Code § 62.1-44.5(A) states in part: “Except in compliance with a certificate or permit issued by the Board or other entity authorized by the Board to issue a certificate or permit pursuant to this chapter, it shall be unlawful for any person to . . . [d]ischarge stormwater into state waters from . . . land disturbing activities.”

Va. Code §§ 62.1-44.15:24 and -44.15:34 define “land-disturbing activity” and describe regulated land-disturbing activities (including exemptions), respectively.”

Regulation 9 VAC 25-870-54.B states “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.”

6. During the inspections on April 29, 2019 and June 12, 2019, DEQ staff observed that the Site had an approved erosion and sediment control (ESC) plan from the Scott County Soil and Water Conservation District, the Virginia Erosion and Sediment Control Program (VESCP) Authority. During the inspection on April 29, 2019, and as noted in a Warning Letter issued by DEQ on May 2, 2019, the Operator had not followed the approved ESC plan. The Operator submitted a revised ESC plan to the VESCP Authority and obtained approval. However, during the June 12, 2019 inspection, DEQ Staff observed that the Operator had failed to follow the approved revised ESC plan. The limits of disturbance in the revised plan had been exceeded; fill had been placed beyond the limits of the approved revised ESC plan, in areas not covered by any ESC plan.

Va. Code § 62.1-44.15.55.A states “Except as provided in § 62.1-44.15.56 for state agency and federal entity land-disturbing activities, no person shall engage in any land disturbing activity until he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved.”

Regulation 9 VAC 25-870-54(B) states: “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.”

7. During the inspection on June 12, 2019, DEQ staff observed the approved limits of disturbance had been exceeded and fill material had been graded such that approximately ten additional acres of upgradient drainage was directed across the fill area. This increased the potential for loss of sediment due to undersized controls being overwhelmed or to sediment laden stormwater discharging without filtration by any controls at all.

Regulation 9 VAC 25-840-40.4 states: "Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place."

Regulation 9 VAC 25-870-54.B states in part: "An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities..."

8. During the inspection on June 12, 2019, DEQ staff observed sediment actively being transported onto VA State Rte. 224 as a result of vehicular/equipment egress from the disposal site. Upon further investigation and review of the approved ESC plan, it was determined the operator was egressing from the site via an existing road in which no construction entrance had been proposed or installed. This was due to the fact that the side road was located in that area beyond the limits of fill in the approved ESC plan. Had the size of the disposal area not exceeded the limits of the ESC plan, the point of egress would have been at the location shown on the approved plan.

Regulation 9 VAC 25-840-40.17 states in part: "Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner...."

Regulation 9 VAC 25-870-54.B states in part: "An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities...."

9. During the inspection on June 12, 2019, DEQ staff observed evidence that sediment laden storm flows had been discharged from the site into State Waters without first being filtered by sediment trapping controls.

Va. Code § 62.1-44.5(A) states in part: "Except in compliance with a certificate or permit issued by the Board or other entity authorized by the Board to issue a certificate or permit pursuant to this chapter, it shall be unlawful for any person to . . . [5]discharge stormwater into state waters from...land disturbing activities."



Regulation 9 VAC 25-870-310.A states in part: "Except in compliance with a state permit issued by the board pursuant to the Virginia Stormwater Management Act, it shall be unlawful for any person to discharge stormwater into state waters from...land disturbing activities."

10. The Department has not issued coverage under any other permit or certificate to Glass Machinery for the land disturbing activities at the Site.
11. Based on the results of the April 29, 2019 and June 12, 2019 inspections, the Board concludes that Glass Machinery violated Va. Code §§ 62.1-44.15:34(A), 62.1-44.5(A), 62.1-44.15:24, 62.1-44.15:34 and 62.1-44.15.55.A, and Regulations 9 VAC 25-870-310(A), 9 VAC 25-870-54(C), 9 VAC 25-870-54(B), 9 VAC 25-840-40.4 and 9 VAC 25-840-40.17, as described in paragraphs C(5) through C(9) of this Order.
12. SWRO issued a Warning Letter and a Notice of Violation for the violations noted above as follows: WL No. WL-014-0429-SW, issued May 2, 2019; and NOV No. NOV-003-0619-SC, issued June 18, 2019.
13. Glass Machinery responded to the Warning Letter by submitting and obtaining approval of a revised ESC plan by the VESCP Authority, and by applying for coverage under the 2014 Permit, VAR10 of the General Permit Regulation. Glass Machinery responded to the Notice of Violation by meeting with DEQ staff on June 26, 2019 to discuss the violations, then meeting with DEQ staff on-site on June 27, 2019 and subsequently submitting a schedule of corrective action later that day to address the violations.
14. Glass Machinery submitted a new Erosion and Sediment Control Plan and SWM Plan to DEQ on July 19, 2019. The plan was also being submitted to the Scott County Soil and Water Conservation District for their review. DEQ staff responded with comments on the SWM Plan by review letter dated August 8, 2019. Glass Machinery responded to DEQ's comment letter by submittal dated October 6, 2019 and received by DEQ on October 8, 2019. DEQ staff provided comments on this revised SWM Plan submittal by review letter dated October 24, 2019.
15. DEQ staff inspected the Facility on July 29, 2019 to verify the status of the violations described in paragraphs C(5) through C(9) above, and at the request of the Scott County Soil and Water Conservation District. Grading was almost complete and was reflective of the plan submitted and reviewed. Steep slopes had been matted and/or seeded. Temporary controls were in place, with no evidence of any additional discharges of sediment-laden runoff to state waters.
16. In order for Glass Machinery to complete its return to compliance, DEQ staff and Glass Machinery have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.



#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in §§ 62.1-44.15, -44.15:25, and -44.15:48, the Board orders Glass Machinery and Excavation, Inc., and Glass Machinery and Excavation, Inc. agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$8,006.25 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

<u>Due Date</u>	<u>Amount</u>
April 30, 2020	\$2,668.75
June 30, 2020	\$2,668.75
August 31, 2020	\$2,668.75

3. If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Glass Machinery and Excavation, Inc. Within 15 days of receipt of such letter, Glass Machinery and Excavation, Inc. shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order.
4. All payments shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

5. Glass Machinery and Excavation, Inc. shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Stormwater Management Fund

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of Glass Machinery for good cause shown by Glass Machinery, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 et seq., after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. NOV-003-0619-SC dated June 18, 2019 and Warning Letter No. WL-014-0429-SW dated May 2, 2019. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Glass Machinery admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Glass Machinery consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Glass Machinery declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Glass Machinery to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Glass Machinery shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Glass Machinery shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Glass Machinery shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and Glass Machinery. Nevertheless, Glass Machinery agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after Glass Machinery has completed all of the requirements of the Order;
  - b. Glass Machinery petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Glass Machinery.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Glass Machinery from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by Glass Machinery and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of Glass Machinery certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Glass Machinery to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Glass Machinery.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

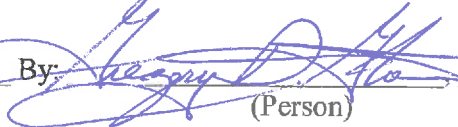
15. By its signature below, Glass Machinery voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 19<sup>th</sup> day of March, 2020.



Jeffrey L. Hurst, Regional Director  
Department of Environmental Quality

Glass Machinery and Excavation, Inc. voluntarily agrees to the issuance of this Order.

Date: 01/17/2020 By:  President  
(Person) (Title)  
Glass Machinery and Excavation, Inc.

Commonwealth of Virginia  
City/County of Lee

The foregoing document was signed and acknowledged before me this 17th day of

January, 2020, by Gregory D. Glass who is

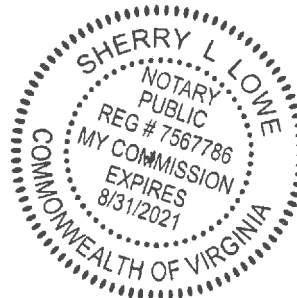
President of Glass Machinery and Excavation, Inc., on behalf of the  
corporation.

  
Notary Public

7567786  
Registration No.

My commission expires: 08/31/2021

Notary seal:



## **APPENDIX A SCHEDULE OF COMPLIANCE**

### **1. Unpermitted Discharge**

- a. Glass Machinery shall submit a complete and accurate application, including a registration statement, to the VSMP Authority for coverage under the 2019 Permit for discharge of stormwater from land-disturbing activities at the Site .....  
.....no later than 7 days from the effective date of this Order.
- b. Glass Machinery shall respond to any DEQ comments regarding its permit application within 10 days from the date of the DEQ comments, until issuance of the Permit is achieved.

### **2. SWPPP**

- a. Glass Machinery shall respond to DEQ staff's October 24, 2019 review comment letter regarding the revised SWM Plan, within ten days.
- b. Glass Machinery shall respond to any DEQ comments regarding any amended SWPPP within ten days from the date of the DEQ comments.
- c. Upon DEQ approval, Glass Machinery shall immediately implement the approved SWM Plan and any amended SWPPP.

### **3. Establishment of Permanent Vegetative Cover**

- a. Glass Machinery shall monitor and reseed and/or take any other necessary measures to establish a permanent stand of vegetation that is uniform, mature enough to survive, and that will inhibit erosion.
- b. Glass Machinery shall notify DEQ when Item 3.a has been achieved, and shall request Site inspection by DEQ to confirm.
- c. Glass Machinery shall maintain all temporary erosion and sedimentation controls in an effective operating condition until such time that an adequate stand of permanent vegetative cover has been established and confirmation of such by DEQ has been received.

### **4. Removal of Temporary Controls**

Glass Machinery shall remove all temporary erosion and sedimentation controls within ten days after DEQ confirmation of the establishment of permanent vegetative cover, as described in Item 3.a above, has been received.



**5. Termination of Permit**

Glass Machinery shall submit a notice of termination in accordance with 9 VAC 25-880-60 no later than 30 days after DEQ confirmation of the establishment of permanent vegetative cover, as described in Item 3.a above, has been received.

**6. DEQ Contact**

Unless otherwise specified in this Order, Glass Machinery shall submit all requirements of Appendix A of this Order to:

Ralph T. Hilt  
Enforcement Specialist, Sr.  
Virginia DEQ  
Southwest Regional Office  
355-A Deadmore Street  
Abingdon, Virginia 244210  
(276) 676-4878  
[ralph.hilt@deq.virginia.gov](mailto:ralph.hilt@deq.virginia.gov)